HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

W.A.No.1305 of 2006

Between

Mir Shabbir Ali ..Appellant

AND

The Andhra Pradesh State Wakf Board represented by its Chief Executive Officer, Hyderabad and others ..Respondents

:: JUDGMENT ::

Counsel for the appellant	Sri M.A.Bari
Counsel for respondents 1 and 2	Sri Abdul Najeeb Khan

15.12.2006

Per G.S.Singhvi, CJ

This appeal is directed against order dated 30.10.2006 passed by the learned Single Judge in Writ Petition No.22196 of 2006, whereby he rejected the appellant's prayer for quashing order dated 26.8.2006 passed by the Andhra Pradesh State Wakf Board (for short, 'the Board').

After arguing the case for some time, Sri M.A.Bari, learned counsel for the appellant made a request that his client may be permitted to withdraw the writ appeal as also Writ Petition No.22196 of 1996 with liberty to avail other legal remedies.

Sri Abdul Nazeeb Khan, learned Standing Counsel for the Board says that he does not have any objection to the withdrawal of the writ appeal and the writ petition, but this should be subject to the right of the Board to raise all legally permissible objections to the proceedings which may be instituted by the appellant under Section 83(2) of the Andhra Pradesh Wakf Act, 1995 or under any other law.

In view of the above, the request made by Sri Bari is accepted and this appeal and Writ Petition No.22196 of 2006 are dismissed with liberty in terms of the prayer made. It is also made clear that if the petitioner files an application under Section 83(2) of the Wakf Act or institutes any other legal proceedings, then the Board shall be free to raise all legally permissible objections against tenability of such application or proceedings.

As a sequel to dismissal of the appeal as withdrawn, WAMP No.2771 of 2006 filed by the appellant for interim relief is also dismissed.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

15-12-2006
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